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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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DATE: JUL 21 2011

Office: VERMONT SERVICE CENTER FILE: [REDACTED]

IN RE:

Petitioner: [REDACTED]

PETITION:

Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the immigrant visa petition. The matter is now before the Administration Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The petition will remain denied.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by her United States citizen spouse.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, in pertinent part: “An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On November 17, 2010, the director denied the petition, determining that the petitioner had not established that she had a qualifying relationship with the claimed abusive United States citizen and had not established eligibility for immigrant classification based on the qualifying relationship. Counsel for the petitioner submits a Form I-290B, Notice of Appeal or Motion, checking the box indicating that a supplemental brief and/or additional evidence would be submitted to the AAO in 30 days. To date no further evidence or argument has been submitted. The record is considered complete. Counsel’s statement on the Form I-290B reads:

The denial of the Form I-360 Petition was based on an erroneous application of the law and facts. We will be filing an appeals brief separately within 30 days.

Upon review of the director’s decision, the director set out the deficiencies in the record regarding the petitioner’s failure to establish that she had a qualifying relationship with the claimed abusive United States citizen and that she is eligible for immigrant classification based on the qualifying relationship. Counsel does not provide any further evidence or argument on appeal to support his assertion that the denial was based on an erroneous application of the law and facts. Neither counsel nor the petitioner identifies specifically an erroneous conclusion of law or a statement of fact in this proceeding. Accordingly, the appeal must be summarily dismissed.

Pursuant to section 291 of the Immigration and Nationality Act, 8 U.S.C. § 1361, the burden of proof is upon the petitioner to establish eligibility for the benefit he or she is seeking. Here, the petitioner has not met her burden.

ORDER: The appeal is summarily dismissed.